

DMB

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) MARGARET WALKER,)	
)	
Plaintiff,)	
)	
vs.)	
)	Wagoner County
(1) AMERICAN RELIABLE)	Case No: CJ 17-62
INSURANCE COMPANY,)	
)	USDCEDO Case No: <u>17-CV-207-KEW</u>
Defendant.)	

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA:

COMES NOW the defendant, American Reliable Insurance Company (American Reliable), and pursuant to Title 28 U.S.C. §§1441 and 1446 files this Notice of Removal, removing plaintiff's civil action against it from the District Court of Wagoner County, Oklahoma, to the United States District Court for the Eastern District of Oklahoma.

1. This case is a civil action in which the matter in controversy exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and is between citizens of different states. [Exhibit 1 – Petition]. As such, this case is removable pursuant to Title 28 U.S.C. §1332(a) and Title 28 U.S.C. § 1441 (a).

2. The plaintiff alleges she is a resident of Wagoner County, and thus a citizen of Oklahoma. [Exhibit 1 – Petition]. American Reliable is an Arizona corporation and its principal place of business is also in Arizona. This is an action for breach of a contract of insurance.

3. Plaintiff's action against American Reliable was commenced on February 23, 2017, by her petition filed in the District Court of Wagoner County, Oklahoma. American Reliable was served with the petition and summons through the Oklahoma State Insurance Commissioner on

May 2, 2017, therefore this removal is timely pursuant to Title 28 U.S.C. §1446(b). A copy of the petition, summons as well as Oklahoma State Insurance Commissioner correspondence are attached pursuant to Title 28 U.S.C. § 1446 (a). [Exhibit 1]. Further, pursuant to LCvR 81.2, a clearly legible copy of all pleadings filed or served in the case, as well as the docket sheet of the District Court of Wagoner County, Oklahoma, are attached. [Exhibit 1 and Exhibit 2].

WHEREFORE, Defendant, American Reliable Insurance Company, prays for removal of the Plaintiff's action from the District Court of Wagoner County, Oklahoma, to the United States District Court for the Eastern District of Oklahoma.

Respectfully submitted,

SECREST, HILL, BUTLER & SECREST

s/Roger N. Butler, Jr.

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ATTORNEYS FOR DEFENDANT

AMERICAN RELIABLE INSURANCE COMPANY

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the foregoing document was deposited in the U.S. mail this 1st day of June, 2017, with proper postage thereon fully prepaid, CERTIFIED MAIL, RETURN RECEIPT REQUESTED, addressed to:

Bret A. Smith, Esq.
ATTORNEY AT LAW
P.O. Box 2250
Muskogee, OK 74402
Counsel for Plaintiff

Jim Hight, Court Clerk
Wagoner County District Court
P.O. Box 249
Wagoner, Oklahoma 74467

s/Roger N. Butler, Jr.